



Maryland



Colorado



Delaware



Kentucky



New Jersey



Vermont



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Wyoming

June 26, 2009

The Honorable Harry Reid
Majority Leader
U.S. Senate
S-221, the Capitol
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
U.S. Senate
S-231, the Capitol
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable John Boehner
Minority Leader
U.S. House of Representatives
Washington, DC 20515

Dear Leader Reid, Leader McConnell, Speaker Pelosi, and Leader Boehner:

At a time when our nation is working hard to protect and sustain its small businesses through resources made available under the American Recovery and Reinvestment Act (ARRA), it is essential that we also take advantage of opportunities to provide access to the temporary, seasonal labor force that these businesses need to survive. Proposals such as S. 388, the Save Our Small and Seasonal Businesses Act of 2009 and H.R. 1934, the American Job and Seasonal Business Preservation Act would address this need. On April 28, 2008, in a letter signed by 17 governors, we wrote you to encourage Congress to pass a one-year stand alone extension of the returning worker program (8 U.S.C. 1184 and 8 U.S.C. 1101(a)(15)H(ii)(b) referred to as "H-2b"). Unfortunately, Congress was unable to act, and this year the situation is more urgent. Therefore, we urge you to take up H.R. 1934 - a desperately needed, common sense proposal would simply reinstate the H-2b returning worker exemption.

There is broad consensus that the H-2b visa program should be comprehensively reformed; and committees of jurisdiction will need adequate time to create and fully evaluate a record of testimony and the legislative proposals in this undertaking. However, the imminent devastation of an entire sector of commerce requires an interim solution - an extension of the returning worker exemptions enacted in 2005 and 2006 - as proposed in H.R. 1934.

Temporary workers are crucial for the success of many small and seasonal businesses in our states. Without seasonal workers during peak cycles, many businesses cannot afford to employ American workers for the remainder of the year. Over the past several years, the need for the H-2b returning worker visa program has far exceeded its capacity, with the number of applicants

reaching statutory caps earlier in the year. The 2009 cap was reached on January 7th, and as a result, businesses whose peak seasons come later in the year have been unable to hire labor they need to sustain their businesses. We have a responsibility to do everything that we can to support these businesses that play by the rules and provide good jobs for American workers. If the H-2b returning worker exemption is not passed for fiscal year 2009, it could lead to the loss of even more American jobs and have a devastating economic impact on communities across our states.

Unfortunately, legislative action is the only avenue of timely relief for these small businesses owners. A narrowly-tailored, short term measure like H.R. 1934 is not only a reasonable fix but a compliment to the billion-dollar federal investment made through the ARRA. Thank you for your steadfast leadership and attention to the needs of these ailing small businesses.

Sincerely,



Governor Martin O'Malley
Maryland



Governor Bill Ritter Jr.
Colorado



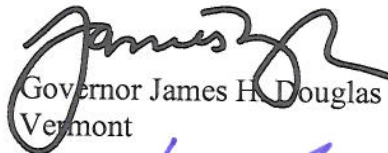
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Delaware



Governor Steven L. Beshear
Kentucky



Governor Jon S. Corzine
New Jersey



Governor James H. Douglas
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Governor Timothy M. Kaine
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